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Constitution of Republic of Afghanistan



from our (ceas) His
Abbas

**CONSTITUTION
OF
REPUBLIC
OF
AFGHANISTAN**



KABUL, JUNE. 1990.

Constitution

of

Republic

of



KABUL. JUNE. 1990

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IN THE NAME OF ALLAH, THE BENEFICENT, THE MERCIFUL!

The prideful history of our beloved homeland, Afghanistan is enriched, with the heroic struggle of our brave people for independence, national sovereignty, national unity, democracy and social progress.

At the present stage the State of the Republic of Afghanistan is actively carrying on the policy of national reconciliation, relying upon the support of national, political and patriotic forces.

Therefore, keeping in mind the historic changes that have taken shape in our homeland and in the contemporary world, adhering to the principles of the sacred religion of Islam, abiding by the accepted Afghan traditions and rituals, relying upon the realities of the country's history and culture, respecting the valuable heritages of the Constitutional Movement and in conformity with the Charter of the United Nations and the Universal Declaration of Human Rights, and for the purpose of:

— Preserving the independence, defending the territorial integrity and strengthening the national sovereignty;

- Achieving country-wide peace and deepening national unity;
- Securing justice and democracy;
- Socio-Economic reconstruction and balanced growth and enhancing the people's living standard;
- Promoting the role and prestige of the country in the international arena;
- Creating favourable conditions for determining the legal status of permanent neutrality of Afghanistan and its demilitarization;

We, the representatives of the people of Afghanistan to the Loya Jirgah of Twenty Eighth and Twenty Ninth of May, One Thousand Nine Hundred and Ninety amended as follows the constitution ratified by the Loya Jirgah of November Thirty One Thousand Nine Hundred and Eighty seven which comprised Thirteen chapters and One Hundred and Forty Nine articles.

CHAPTER ONE FOUNDATIONS OF POLITICAL SYSTEM

Article One:

The Republic of Afghanistan is an independent, unitary indivisible and Islamic state, having sovereignty over the whole of its territory.

National Sovereignty in the Republic of Afghanistan belongs to the people. The people exercise national sovereignty through the Loya Jirgah and National Assembly.

Article two:

The sacred religion of Islam is the religion of Afghanistan. In the Republic of Afghanistan no law shall run counter to the principles of the sacred

eligion of Islam and other values enshrined in this
onstitution.

Article three:

The Republic of Afghanistan is a nonaligned country which does not join any military bloc and does not allow establishment of foreign military bases on its territory.

Article four:

The defence of independence, national sovereignty and territorial integrity is the fundamental duty of the state. The state ensures the security and defence capability of the country and equips the armed forces.

Article Five:

Political pluralism is the basis of the political system of the Republic of Afghanistan.

In the Republic of Afghanistan, political parties are allowed to be formed, provided their Platform, Charter and activities are not opposed to the provisions of this Constitution and the laws of the country.

The organisation and financial resources of a political party cannot be covert.

A party formed in accordance with the provisions of the law cannot be dissolved without a legal cause.

Judges and Attorneys cannot be members of a political party during the terms of their office.

Article Six:

This article is abolished.

Article Seven:

The formation of social organizations is allowed in the Republic of Afghanistan in accordance with the law.

Article eight:

Pashtu and Dari are official languages among the national languages of the country.

Article Nine:

The state emblem of the Republic of Afghanistan consists of a rising sun, Adytum and a Pulpit with a green background, enclosed two sheaves of wheat and a tricolour ribbon black, red and green.

Article ten:

The state flag of the Republic of Afghanistan is a tricolour divided into three horizontal equal parts in black, red and green stripes. The emblem shall be placed on both sides of the upper quarter of the flag, close to the mast. The length of the flag shall be double its width.

Article eleven:

The capital of the Republic of Afghanistan Kabul.

CHAPTER TWO FOUNDATIONS OF SOCIO-ECONOMIC SYSTEM

Article Twelve:

This article is abolished.

Article thirteen:

The Republic of Afghanistan is a multi-national country. The state shall follow the policy of all-round growth, understanding, friendship and cooperation between all nationalities, clans and tribes of the

country for ensuring political, economic, social and cultural equality and rapid growth and development of regions which are socially, economically and culturally backward. The state shall gradually prepare the grounds for the creation of administrative units based on national characteristics.

Article fourteen:

The state shall adopt necessary measures for the growth of culture, language and literature of the people of Afghanistan as well as preserve and develop the worthy cultural, traditional, linguistic, literary and folkloric legacy of all nationalities, clans and tribes.

Article fifteen:

In the Republic of Afghanistan family constitutes the basic unit of the society.

The state shall adopt necessary measures for ensuring the health of mother and child and for the upbringing of children.

Article sixteen:

The state takes permanent care of the young generation and provides necessary opportunities for their education, employment, recreation, rest, spiritual and physical growth and shall help the blossoming of the talents of the youth.

Article seventeen:

The state shall promote construction to provide state and cooperative housing and help in the construction of private houses.

Article eighteen:

The state shall implement the economic policy aimed at mobilization and utilization of the country's resources for removing backwardness, raising

the living standards of the people and development of socio-economic structure of the society. Towards this end, the state shall formulate and put into practice socio-economic development plans.

Article Nineteen:

In the Republic of Afghanistan, State, mixed cooperative, trust, private and personal property as well as properties of political and social organisations exist. Property is safe of any intrusion. The State protects all forms of legal properties.

Article Twenty:

In the Republic of Afghanistan, mineral resources, forests, pastures, mines, basic energy resources, historic relics, radio-television and communications' facilities, major dams, ports and transport ways, shall be of state properties.

Private investment is allowed, in accordance with the law, for making use of forests, pastures, energy resources, mines, and purchase and sale of means of communications.

In the Republic of Afghanistan, besides the State-run banks, insurance institutions and air transport, the formation of stock banks, and mixed insurance institutions and air transport and private and land transport are allowed in accordance with the law.

In the Republic of Afghanistan, the functioning of the agencies of foreign banks and insurance institutions are allowed in accordance with the law.

Article twentyone:

The state shall assist strengthening and expan-

sion of cooperatives and shall encourage the voluntary participation of the people to this end.

Article twentytwo:

The state encourages and protects the activity of individual craftsmen and their voluntary participation in trade unions and cooperatives and renders all-round assistance for upgrading their professional skill, ensuring the supply of raw materials to them and sale of their output.

Article twenty-three:

With a view to reviving and developing agriculture, the State gives supplementary agricultural aid to the peasants and land-holders and renders effective assistance for the creation of mixed and private agricultural mechanized farms and reclamation of virgin lands.

Article twentyfour:

The state guarantees by law the use of pastures by nomads and livestock breeders. The state shall assist in the creation of proper conditions for the growth of animal husbandry, sale of livestock products and improvement of economic, social and living standards of nomads and livestock breeders.

Article twentyfive:

The state shall guarantee the security of private investment for the growth of national economy and protect and encourage the participation of national capital holders in the development of industry, commerce, construction, transport, agriculture and service in accordance with the law.

The state shall expand all-round and beneficial relations with private entrepreneurs and protect

the private sector against the competition of foreign capital. The state shall take into account the interests of private sector, in accordance with law, while working out the financial, credit, customs and price policies.

Article Twenty-Six:

This article is abolished.

Article Twenty-Seven:

For the growth of national economy, the State encourages foreign investment in the Republic of Afghanistan, in accordance with the law.

Article twentyeight:

In the Republic of Afghanistan, no foreign citizen shall enjoy the right to own immovable property. Subject to the approval of the government, immovable property may be sold to diplomatic missions and foreign governments on a reciprocal basis and also to international organisations in which the Republic of Afghanistan is a member.

Article twentynine:

The hereditary right to property shall be guaranteed by law on the basis of Islamic Shariat.

Article thirty:

Expropriation is allowed only in public interest and against just and prior compensation in accordance with the law.

Confiscation of property is not allowed without the sanction of the law and the decision of a court.

Article thirtyone:

In the Republic of Afghanistan, the criteria, rates and types of taxes and duties shall be determined on the basis of law and social justice.

Article thirtytwo:

The state shall adopt and implement necessary measures for the protection of nature, natural wealth and reasonable utilisation of natural resources, improvement of living environment, prevention of pollution of water and air, and conservation and survival of animals and plants.

CHAPTER THREE

CITIZENSHIP, BASIC RIGHTS, FREEDOMS AND DUTIES OF CITIZENS

Article thirtythree:

The citizenship of the Republic of Afghanistan is equal and uniform to all citizens. Acquisition and loss of citizenship and other matters related to it are regulated by law. Every individual having citizenship of the Republic of Afghanistan in accordance with the law, shall be called an Afghan.

Article thirtyfour:

No citizens of the Republic of Afghanistan shall be exiled inside or outside the country.

Article thirtyfive:

No citizen of the Republic of Afghanistan shall be extradited to a foreign state.

Article thirtysix:

The citizens of the Republic of Afghanistan living abroad enjoy the protection of the state. The state shall defend their rights and legal interests, strengthen the relations of Afghans living abroad with the country, and help their return to the homeland.

Article thirtyseven:

The Republic of Afghanistan guarantees, according to the law, the rights and freedoms of foreign citizens and individuals residing in Afghanistan without citizenship. They are bound to obey the Constitution and other laws of the Republic of Afghanistan.

Article thirtyeight:

Citizens of the Republic of Afghanistan, both men and women, have equal rights and duties in the eyes of the law, irrespective of their national, racial, linguistic, tribal, educational and social status, religion creed, political conviction, occupation, kinship, wealth, and residence.

Designation of any illegal privilege or discrimination against rights and duties of citizens are forbidden.

Article thirtynine:

Right to life is the natural right of every human being. No person shall be deprived of this right unless by law.

Article Forty:

In the Republic of Afghanistan, the freedom to perform religious rites is guaranteed to all Muslims. Followers of other religions are free to perform their religious rites. No individual has the right to abuse religion for anti-national and anti-people propaganda purposes, creation of enmity and commission of other deeds contrary to the interests of the Republic of Afghanistan.

Article Fortyone:

Liberty is the natural right of every human being. This right is unlimited, except in so far as

harms the freedom of others and public interests defined by law.

Liberty and human dignity are inviolable and the state respects and protects them. Innocence is the original state and the accused is presumed innocent unless found guilty by a final verdict of a court of law.

— No act is considered a crime, except as prescribed by law.

— No person shall be arrested and accused of committing a crime unless in accordance with the provisions of the law.

— No person can be detained, except with the remission of the court and in accordance with law.

— No person can be punished unless by a verdict of a court, in accordance with provisions of law and in proportion to the crime committed.

— Crime is a personal deed; no other person shall be punished for its commission.

— The accused has the right to defend himself personally or through an advocate.

Article fortytwo

In the Republic of Afghanistan, punishment incompatible with human dignity, torture and excruciation are prohibited. Obtaining confession, testimony or statement from an accused or any other person by compulsion or threat is prohibited. Statements or testimony taken from an accused or other person by means of compulsion shall not be valid.

A public servant who tortures an accused or any other person for obtaining statements, testimony or

confession, or who issues orders for torture, shall be punished in accordance with the law. Acting on the orders of superiors in the commission of unlawful deeds cannot be the ground for the plea of innocence.

Article fortythree:

Indebtedness cannot be the cause of deprivation of a person's liberty.

The ways and means of recovering debts shall be regulated by the law.

Article fortyfour:

In the Republic of Afghanistan, the inviolability of residence is guaranteed. No person, including a state representative, can enter or search a residence without the permission of the resident and except in circumstances and under procedures prescribed by the law.

Article fortyfive:

In the Republic of Afghanistan, confidentiality of correspondence and telephonic and telegraphic communications is guaranteed.

No one, including a state representative, shall intercept telephonic and telegraphic communications and control correspondence except under the provisions of the law.

Articie fortysix:

Citizens of the Republic of Afghanistan who suffer in the performance of their duties unlawful damage by state organs, social organisations and responsible officials are entitled to compensation, conditions and procedures ' of which shall be regulated by law.

Article fortyseven:

Citizens of the Republic of Afghanistan are entitled to take part in socio-political life and the administration of the state, directly or through their representatives.

Article fortyeight:

Citizens of the Republic of Afghanistan have right to elect or be elected. Conditions and procedures of exercising this right shall be regulated by law.

Article forty-nine:

Citizens of the Republic of Afghanistan enjoy right of freedom of thought and expression. Citizens can exercise this right openly, in speech and in writing, in accordance with the provisions of the law.

Pre-censorship of the press is not allowed.

Article fifty:

Citizens of the Republic of Afghanistan have right to assembly, peaceful demonstration and strike, in accordance with the provisions of the law.

Article fiftyone:

Citizens of the Republic of Afghanistan enjoy right to petition, criticise and make suggestions, either individually or collectively.

State organs, social organisations and responsible officials are bound to consider the petitions, criticisms and proposals and take necessary actions regarding to them within the time prescribed by law. Surveillance for criticism is forbidden.

Article fiftytwo:

Citizens of the Republic of Afghanistan have right to work and are entitled to equal pay for

equal work. The state, through enactment and application of just and progressive labour laws, shall provide necessary conditions for the citizens to enjoy this right.

Article fiftythree:

Imposition of forced labour is forbidden.

Performance of compulsory labour in wartime, natural calamity and other states of emergency which threaten public life and order shall be excluded from this.

Article fiftyfour:

Citizens of the Republic of Afghanistan, subject to the needs of the society and on the basis of specialisation, have the right to hold state posts and choose their occupation.

Article fiftyfive:

Citizens of the Republic of Afghanistan have the right to rest.

The state defines the working hours and the periodic holidays with pay and the specifications of work during holidays, festivals, Ids and shall provide conditions for rest, growth of cultural, artistic establishments, physical training, sports and healthy recreation.

Article Fifty-Six:

Citizens of the Republic of Afghanistan have the right to free education.

The State shall adopt necessary measures for the eradication of illiteracy, generalization of balanced education, education in mother tongue, ensuring compulsory primary education, gradual expansion of general, technical, professional and vocational education and growth of the system of

higher education for training national cadres.

In the Republic of Afghanistan the formation of educational and higher education institutions by private sector and foreign persons is allowed in accordance with the law.

Article fiftyseven:

Citizens of the Republic of Afghanistan have the right to health and social security.

The state shall adopt necessary measures for expansion of all-round, balanced and countrywide medical services, expansion of hospitals, health centres, training of doctors and personnel for medical services, universal prevention of diseases, expansion of free health services, arrangement and encouragement of private medical services improvement of material welfare of the aged, war and work disabled and dependents of martyrs.

Article fiftyeight:

Citizens of the Republic of Afghanistan have the right to scientific, technical and artistic activities.

The state ensures systematic progress of science and training of scientific cadres, protects the rights of authors and inventors, encourages and protects scientific research in all spheres and generalizes the effective use of the results of scientific research.

Article fiftynine:

Citizens of the Republic of Afghanistan have the right to travel and free choice of settlement and residence in the country.

The state is authorized to ban temporarily travel, settlement and residence in particular areas of

the country for the purposes of maintaining security and public order, prevention of epidemic diseases and protection of the rights and liberties of individuals.

Article sixty: *suspended by president.*

Citizens of the Republic of Afghanistan enjoy according to law the right to travel abroad and return home.

Article sixtyone:

Every citizen of the Republic of Afghanistan is bound to observe the Constitution and the laws of the Republic of Afghanistan.

Ignorance of provisions of law is no excuse.

Article sixtynine:

Citizens of the Republic of Afghanistan and foreigners are bound to pay taxes and duties to the state in accordance with the provisions of the law.

Article sixtythree:

The defence of homeland, independence, national sovereignty and territorial integrity of the country is the proud duty of the citizens of the Republic of Afghanistan. Conditions of service in the armed forces shall be regulated by law.

Article sixtyfour:

The state shall provide necessary conditions for the citizens to exercise their fundamental rights and liberties and discharge their duties.

No person has the right to exercise the rights and liberties enshrined in the law against public interest and to the detriment of the rights and liberties of other citizens.

CHAPTER FOUR **LOYA JIRGAH**

Article sixtyfive:

The Loya Jirgah is the highest manifestation of the will of the people of Afghanistan in accordance with national historical traditions.

Article Sixty-Six:

The Loya Jirgah is composed of:

- 1— The President and Vice-Presidents;
- 2— Members of the National Assembly;
- 3— Prime Minister, Deputy Prime Minister and members of the Council of Ministers;
- 4— Chief Justice and Deputy Chief Justices;
- 5— Attorney General;
- 6— Chairman of the Constitution Council;
- 7— Chairmen of the councils of provinces.
- 8— From each province, equivalent to the number of their deputies to the Wolesi Jirgah (House of Representatives), elected by the people through universal equal, free, secret and direct ballot;
- 9— A maximum of fifty persons from among the political, scientific, cultural, social and religious figures to be appointed by the President.

Article sixtyseven:

The Loya Jirgah enjoys the following powers.

1. To approve and amend the Constitution.
2. To elect the President and to accept the President's resignation.
3. To consent to the declaration of war and armistice.
4. To adopt decisions on the most important questions regarding the destiny of the country.

Article sixtyeight:

Save in cases otherwise defined in this Constitution, the Loya Jirgah shall be summoned and opened by the President and its sessions shall be held under the chairmanship of the President or any other person appointed by the President as his regent.

The quorum for the Loya Jirgah shall be two third of its members present.

Save in cases otherwise defined in this constitution, the decisions of the Loya Jirgah shall be adopted by a majority vote of its members.

Article sixtnine:

During the time when the House of Representatives remains dissolved, its members shall retain their membership of the Loya Jirgah till a new house is elected.

Article seventy:

Elections to Loya Jirgah shall be regulated by law and its procedure laid down by the Loya Jirgah itself.

CHAPTER FIVE THE PRESIDENT

Article seventyone:

The President is the head of the state and shall exercise his powers in legislative, executive and judicial spheres in accordance with the provision of this Constitution and laws of the Republic of Afghanistan.

Article seventytwo:

The President shall be elected by a majority vote of the members of the Loya Jirgah for a term of seven years. No person can be elected as Presid-

ent for more than two terms. The President is accountable and shall report to Loya Jirgah. The Loya Jirgah shall be called to elect a new President thirty days before the end of the term of office of the outgoing President.

Article seventythree:

Any Muslim citizen of the Republic of Afghanistan who has completed the age of forty and who and whose wife are born of Afghan parents and enjoys civil and political rights can be elected President.

Article seventyfour:

The President, after being elected, shall take the following oath:

"I swear in the name of Allah, the Almighty, to protect the principles of sacred religion of Islam, observe the constitution of the Republic of Afghanistan and supervise its implementation, safeguard the independence, national sovereignty and territorial integrity of Afghanistan, preserve the basic rights and freedoms of the citizens and exert all my efforts to ensure social justice, people's prosperity, strengthening of peace and progress of the country."

Article Seventy-Five:

The President shall enjoy the following powers in addition to those entrusted to him by other provisions of this Constitution:

- 1— Supreme Command of the Armed Forces.
- 2— To sign laws and resolutions of the National Assembly.
- 3— To nominate the Prime Minister Designate to form the government.

4— To approve the appointment of Prime Minister, Deputy Prime Ministers and Ministers after they receive the vote of confidence from the National Assembly, and to accept their resignation.

5— To convene and chair the sessions of the Council of Ministers, when necessary;

6— To delegate the power of judgement and to endorse the appointment, promotion and retirement of high-ranking judges, officials and officers in accordance with the law;

7— To take decisions on ascertaining public opinion or holding referendum on major, political, social and economic issues;

8— To pardon and remit sentences;

9— To accredit heads of diplomatic missions of the Republic of Afghanistan to other countries and to international organizations;

10— Accept the credentials of the heads of diplomatic missions of other countries to the Republic of Afghanistan;

11— To proclaim a state of Emergency, general and partial mobilization and their termination;

12— To declare war and armistice in consonance with the Loya Jirgah;

13— To authorize the issuance of money and monetary reform, in accordance with the law;

14— To grant citizenship and asylum in accordance with the law;

15— To grant honorary orders, medals and titles in accordance with the law;

16— To approve the national anthem of the Republic of Afghanistan;

17— To cancel the laws and other legislative instruments whose unconformity with the Constitution is determined by the Constitutional Council;

18— To create the Presidential Administrative apparatus,

19— To exercise other powers in accordance with the law.

The President is authorized to delegate some of his legal powers to the Vice-Presidents.

Article seventysix:

The President shall continue in office till the end of his term except in the event of protracted and incurable illness and or resignation. In all cases when the President is unable to discharge his duties, the presidential functions shall be entrusted to the first Vice-President.

In case of permanent loss of ability to work, death or resignation of the President, the first Vice-President shall invite the Loya Jirgah within one month to elect a new President.

In the even of resignation, the President shall submit his resignation directly to the Loya Jirgah.

CHAPTER SIX NATIONAL ASSEMBLY

Article Seventy-Seven:

The National Assembly (parliament) is the highest legislative body of the Republic of Afghanistan.

Article seventyeight:

The National Assembly consists of two houses: House of Representatives and Senate.

Article Seventy-Nine:

The people's deputies to the House of Representatives, shall be elected through general, equal, free, secret and direct voting for a legislative term of five years, in accordance with the law.

Members of the Senate (senators) are elected and appointed in the following manner:

1. Two persons from each province elected by the people for a period of five years.
2. Two persons from among the members of each Provincial Council for a term of three years.
3. The remaining one third of the members shall be appointed for a period of four years by the President from amongst the national, cultural, personalities, knowledgeable scholarly, prestigious and national figures.

Article eighty:

The number, conditions, procedure of election and appointment of the members of the National Assembly shall be regulated by law.

Article Eighty one:

In addition to other powers prescribed in this Constitution, the National Assembly shall enjoy the following powers:

1. To approve, amend and repeal laws and legislative decrees and to present them to the President for signature.
2. To interpret laws.
3. To ratify or to approve the annulment of bilateral treaties and to ratify accession to withdrawal from international treaties.
4. To approve socio-economic development plans and endorse the government's report on their execution.

5. To approve the state budget and evaluate report on its execution.
6. To establish administrative units and to make changes there to.
7. To establish and abolish ministries.
8. To decide on the appointment and removal Vice-Presidents on the basis of recommendation and request of the President.
9. To authorise the state to receive loans and grant privileges of substantial importance in national economy, including monopoly.
10. To institute by law, honourary orders, medals and titles.
11. To endorse the establishment of relations with other countries and international organisations.
12. To elicit replies from the Prime Minister and other members of the government concerning performances related to their authority during interpellations session.

Article eighty two:

The House of Representatives shall have the following exclusive powers:

1. To pass a vote of confidence or no-confidence in the Council of Ministers or one of its members.
2. To take final decision on the draft plans for economic and social development and the state budget in the event of disagreement between the House of Representatives and the Senate.

Article Eighty-Three:

Each house of the National Assembly shall appoint at its first session, a commission from among its members to authenticate the credentials. The commission shall report the results of its findings to the relative house.

Article eightyfour:

The House of Representatives elects at first session from among its members an executive committee composed of a chairman, two deputy chairmen and two secretaries for the whole term of the legislature.

The Senate elects from among its members an executive committee composed of a chairman for a term of five years, two deputy chairmen and two secretaries for a term of one year. The chairman of each house of the National Assembly shall conduct and maintain order in the respective sessions of the houses. In the absence of the chairman, one of the deputy chairmen shall discharge duties.

Article eightyfive:

The ordinary sessions of the National Assembly are held twice a year, in the first week of the month of Sunbula and the first week of the month of Hoot. Each regular session of the National Assembly shall not extend to more than three months. If the National Assembly is discussing the annual budget or the development plan, its session shall not be wound up before their endorsement. If the budget is not endorsed before the beginning of the financial year, the budget of previous year shall apply until the endorsement of the new annual budget.

An extraordinary session of the National Assembly can be held on the decision of the President or on the request of chairman of either house or of one-fifth of members of each house.

Article eightysix:

The houses of National Assembly shall hold separate or joint sessions. The joint sessions of

national Assembly are chaired alternately by their
airmen.

The President inaugurates and concludes the
session of the National Assembly. The first session

National Assembly shall be summoned by the
President, thirty days after the conclusion of the
elections to the House of Representatives.

Article eightyseven:

The quorum for both houses of the National
Assembly shall be completed when two third of the
members of each house are present. The decision of
each house is passed by a majority vote of its total
membership.

Article eightyeight:

The separate and joint sessions of the houses
National Assembly shall be opened, unless the
houses decide to meet in closed sessions. The pro-
ceedings of the debates of both the houses shall be
ordred.

Article Eighty-Nine:

Each house of the National Assembly shall
select from among its members standing commiss-
ions for the preliminary consideration and arrang-
ement of the issues within its competence.

Article ninety:

Each house of the National Assembly is emp-
owered to constitute investigation, auditing and
other temporary commissions as may be required.

The tasks and procedures of the investigation
auditing commissions shall be regulated by
respective houses of the National Assembly.

Article ninetyone:

Members of the House of Representatives have

Article eightyfour:

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The tasks and procedures of the investigation and auditing commissions shall be regulated by the respective houses of the National Assembly.

Article ninetyone:

Members of the House of Representatives have

the right to put question to the Prime Minister any member of the government in the interper ions session. Answers to the questions shall be printed in writing or orally.

The House of Representatives can consider the basis of the answers presented the motion vote of confidence in the government. A government which fails to receive the vote of confidence shall continue in office till a new government formed.

Article Ninety Two:

Members of the Council of Ministers after obtaining the permission of the chairman of the sion, can attend the meetings of the National Assembly having consultative vote.

Article ninetythree:

Members of the National Assembly have right to vote and express their views in separate and joint sessions. No member of the National Assembly shall be subjected to legal prosecution for a vote or views expressed inside or outside National Assembly.

Save in cases of prima facie evidence of crimes, no member of the National Assembly can be arrested, detained or subjected to judicial surveillance without the consent of the House concerned or without the consent of its executive committee during the interval between two sessions of the National Assembly. If a member of the National Assembly is arrested on a prima facie case, the executive committee of the house concerned shall be informed.

Article Ninetyfour:

The following authorities have the right to propose introduction, amendment and repeal of law in each house of the National Assembly:

1. The President.
2. The Standing Commission of the National Assembly.
3. At least one tenth of membership of each house.
4. The Council of Ministers.
5. The Supreme Court.
6. The Attorney General.

In case, the introduction, amendment and the abolition of law cause increase of state's spendings and decrease its incomes, the earlier agreement of the government shall be sought in this respect.

Article Ninety-Five:

Expect cases defined otherwise in this Constitution, the decision of one of the houses related to powers described under Article Eighty One shall be delivered to the other house. If the decisions of one house is rejected by the other, a joint committee of equal number of members of either house shall be set up.

The decision of the joint committee which has been adopted on the basis of two thirds of votes of the committee members shall enter into force after it is signed by the President.

If the joint committee fails to resolve differences, the matter shall be discussed in the joint session of the National Assembly and decision taken

by a majority vote of the members of the session.

Article Ninety Six:

Decisions of the National Assembly are enclosed after their signature by the President.

In case the President does not agree with decisions of the National Assembly, he can return them to the National Assembly within 30 days from the date of receipt along with his reasons. After the elapse of this period, and also if the session of the National Assembly endorse the decision in its next sessions with two thirds of its members, the decision shall become effective and the President shall sign it.

Article Ninety Seven:

In consultation with the chairmen of the House of Representatives and the Senate, the Prime Minister, and the Chief Justice, the Chairman of the Constitution Council, the President can declare the dissolution of the House of Representatives or the National Assembly presenting reasons of justification.

Reelection shall be held within thirty days after the dissolution of the House of Representatives or the National Assembly.

The new House of Representatives or the National Assembly, cannot be dissolved one year after its re-election.

The House of Representatives or the National Assembly cannot be dissolved during the last months of office of the President.

Article ninetyeight:

The laws and resolutions of the National

embly shall be published in Pashtu and Dari languages and can be published in the languages of other nationalities of the country as well.

Article Ninety Nine:

Procedures for functioning of the sessions of National Assembly and its standing commissions shall be regulated by the related session, in conformity with the provisions of the enforced laws.

CHAPTER SEVEN

COUNCIL OF MINISTERS

Article One Hundred:

The Council of Ministers (government) is the highest executive body of the Republic of Afghanistan.

The Council of Ministers is composed of:

- Prime Minister.
- Deputy Prime Ministers;
- Ministers.

Article one hundred and one:

The Prime Minister designate shall present to the first session of the House of Representatives the home and foreign policy line of the government and the composition of his government for seeking the vote of confidence of the House. After receiving the vote of confidence and approval of the President, the Prime Minister shall present the domestic and foreign policy line and introduce members of the government to the Senate.

Article one hundred and two:

The Council of Ministers is responsible to the House of Representatives and the President and shall submit reports to them.

Article One Hundred and Three:

The Council of Ministers shall have the following duties and powers:

1. To formulate and implement domestic and foreign policies.
2. To ensure the execution of matters related to the national economy; to formulate the socio-economic development plans, prepare the state budget, implement plans and budgets and report to the National Assembly on their execution.
3. To adopt measures for defending the interests of the public, to protect all forms of legal properties, to ensure public order and security and safeguard the rights and freedoms of the citizens.
4. To guide foreign relations, to establish diplomatic ties and to conclude agreements with other states and international organisations according to law.
5. To create offices and organs related to the Council of Ministers with the approval of the President.
6. To approve regulations and rules within its powers according to law.
7. To submit the Regulations, Rules and Resolutions of the Council of Ministers to the President.
8. To execute other powers according to law.

Article one hundred and four:

In the interval between sessions of the National Assembly and in the event of dissolution of the House of Representatives, the Council of Ministers may, if urgently required, issue legislative ordinances on matters within the

powers of the National Assembly, excluding matters relating to budget and financial affairs. These legislative ordinances shall come into force after signature by the President.

The Council of Ministers shall submit to the first periodic session of the National Assembly for approval the legislative ordinances which are promulgated in accordance with the provisions of this Article. If the ordinances are rejected by the National Assembly, they become void from that date. In the interval between two sessions of the National Assembly or in the period of dissolution of the House of Representatives, the President may, on the recommendation of the Prime Minister, appoint or dismiss any member of the government. The matter shall then be submitted to the first session of the House of Representatives to decide upon.

Article One Hundred and Five:

The government is dissolved under the following conditions:

1. Resignation of Prime Minister.
2. Incurable and long-lasting sickness or death of Prime Minister.
3. Withdrawing the vote of confidence by the house of representatives of the government.
4. End of the legislative term of the House of Representatives.
5. Dissolution of the House of Representatives or, National Assembly.

In all those conditions the dissolved government shall carry on its activities under one of those

persons mentioned in the article 100 of the Constitution and who is appointed by the President.

Article one hundred and six:

The organization, composition, and activities of the Council of Ministers shall be regulated by law.

**CHAPTER EIGHT
JUDICIARY**

Article One Hundred and Seven:

Judiciary is an independent component of the State.

Article One Hundred and Eight:

Judgement in the Republic of Afghanistan shall be delivered only by a court in accordance with the law.

The judiciary body is composed of the Supreme Court and other courts which are formed in accordance with the law.

Article one hundred and nine:

The Supreme Court, as the highest judicial organ heads the unified system of judiciary in the country and is composed of the chief justice, deputy chief justices and judges.

The Supreme Court shall, in accordance with the provisions of law, supervise the activities of the courts and ensure the uniform application of law by courts.

Article One Hundred and Ten:

The Chief Justice, Deputy Chief justices and judges of the Supreme Court shall be appointed in accordance with the law by the President.

The Chief Justice is accountable to the President and shall report to him.

Article one hundred and eleven:

The courts shall be independent in their judgement and shall submit only to the law.

Trial and verdict by courts shall be based on the principle of equality of parties before the law and the court.

Article one hundred and twelve:

The judges shall apply the provisions of the Constitution and the laws of the Republic of Afghanistan in the cases under their consideration. When no explicit provision exists in the law, the court shall, following the provisions of the Shariat of Islam, render a decision that secures justice in the best possible way.

Article one hundred and thirteen:

Trial in the courts of the Republic of Afghanistan shall be held openly. The conditions under which cases are to be conducted in closed trials shall be determined by law.

The verdict of the court shall be pronounced openly in all circumstances.

Article one hundred and fourteen:

The trial and judgement by the courts shall be conducted in Pashtu and Dari languages or in the language of the majority of the residents of the place. If a party to the case does not understand the language in which the trial is conducted, he has the right to become acquainted with the materials and documents of the case through an interpreter and the right to address the court in his mother tongue.

Article one hundred and fifteen:

The verdict by the court shall contain the statement of reasons and evidence.

The final verdict of the court is binding except in the case of a death sentence which is executed after the approval of the President.

Article one hundred and sixteen:

The organization, composition, powers and procedure of work of the courts shall be regulated by law.

Article One Hundred and Seventeen:

The Attorney Office of the Republic of Afghanistan is a unified system based on the principle of centralism and shall consist of the Office of the Attorney General and offices of other Attorneys which are set up in accordance with the law.

CHAPTER NINE ATTORNEY OFFICE

Article one hundred and eighteen:

The Attorney General shall lead the activities of the attorney offices of the country.

The attorney offices are independent in the performance of their duties and are subject only to the law and the Attorney General.

Article One Hundred and Nineteen:

The Attorney General and Deputy Attorney Generals are appointed by the President in accordance with the law.

The Attorney General is accountable to the President and shall report to him.

Article One Hundred and Twenty:

High supervision over the implementation and uniform observance of laws by the ministries, departments, state, mixed and private institutions, cooperatives, political parties, social organisations, officials in charge and citizens shall be undertaken by the Attorney General and the Attorney subordinate to him.

Article one hundred and twenty one:

The organization, composition, powers and procedure of activity of the Attorney Office shall be regulated by law.

CHAPTER TEN CONSTITUTION COUNCIL

Article one hundred and twentytwo:

The Constitution Council of the Republic of Afghanistan shall be formed to ensure the conformity of laws, other legislative documents and international treaties with the Constitution.

Article One Hundred and Twenty Three:

The Constitution Council shall exercise the following powers:

1. Evaluate the conformity of laws, legislative decrees and international treaties with the Constitution.
2. Give legal advices to the President on Constitutional matters.

Article one hundred and twentyfour:

In order to exercise its powers the Constitution Council has the right to:

1. Scrutinize the legislative documents presented for the President's signature and express opinion on their conformity with the Constitution of the Republic of Afghanistan.

2. Submit concrete proposals to the President on measures regarding the development of legislative affairs as required by the Constitution.

Article One Hundred and Twenty Five:

The Constitution Council shall be composed of a chairman, deputy chairman, secretary and eight members who are appointed by the President.

Article one hundred and twentysix:

The Constitution Council is accountable to the President and shall report to him.

Article one hundred and twenty seven:

The organization and procedure of activity of the Constitution Council shall be regulated by law.

CHAPTER ELEVEN

ADMINISTRATION

Article One Hundred and Twenty Eight:

The administration in the Republic of Afghanistan is based on units of the central and local administration which are regulated in accordance with the law.

The local administration in the Republic of Afghanistan consists of the administrative units of provinces, districts, cities and precincts.

The units are led by governors, district chiefs, mayors and heads of precincts.

Provincial and district councils shall be set up, in accordance with the law, in every province

and district. The provincial and district councils each shall elect one of their members as chairman and secretary.

The terms of office of the provincial and district councils is three years.

Article One Hundred and Twentynine:

The Provincial and District Councils shall take part, in accordance with the law, in maintaining the developmental objectives of the State in the area and shall give recommendations to the Administration for the improvement and development of the affairs concerned. Member of the provincial and district councils shall be paid proper attendance fees.

Article One Hundred and Thirty:

To manage the affairs of cities and precincts, sessions of municipalities and precincts are held in accordance with the law.

Appropriate attendance fees shall be paid to the participants of the sessions of municipalities and precincts.

In connection with election of Representatives to the Loya Jirgah and Wolesi Jirgah, Kabul city and its precincts are equal to a province and Woles-walies, respectively.

Article One Hundred and Thirty One:

Affairs related to the central and local Administrations as well as job safety and constancy and other issues related to the employees shall be regulated by law.

CHAPTER TWELVE FOREIGN POLICY

Article one hundred and thirtytwo:

The foreign policy of the Republic of Afghanistan rests on ensuring the national interests, consolidation of independence and national sovereignty, territorial integrity of the country, preservation of world peace and security, peaceful coexistence, equality of rights and all-round development of international cooperation.

Article one hundred and thirtythree:

The Republic of Afghanistan respects and observes the UN Charter, the Universal Declaration of Human Rights and other accepted principles and norms of international law.

Article one hundred and thirtyfour:

The Republic of Afghanistan pursues the policy of non-alignment as a significant principle of the state's foreign policy and as one of the founders of the non-aligned movement strives for achieving its objectives.

Article one hundred thirtyfive:

The Republic of Afghanistan is in favour of establishing and consolidation of friendly relations with all countries, particularly the neighbouring and Islamic ones, irrespective of their socio-political and economic systems, based on the principles of equality of rights, mutual respect of independence, national sovereignty, territorial integrity, non-interference in each other's internal affairs,

non-resort to force or threat of use of force, denunciation of all forms of interference and aggression and sincere fulfilment of international commitments in accordance with the accepted principles and norms of international law.

Article One Hundred and Thirty Six:

The Republic of Afghanistan supports the struggle of peoples and nations for peace, national independence, democracy, social progress and the right of nations to self-determination and fights against colonialism, neocolonialism, Zionism, racism, Apartheid and fascism.

Article one hundred and thirtyseven:

The Republic of Afghanistan supports the struggle for total disarmament, cessation of arms race on earth and in space, non-proliferation and elimination of nuclear and chemical weapons and other kinds of weapons of mass destruction, dismantling of aggressive military bases, relaxation of international tensions and establishment of new and just international economic and information order.

Article one hundred and thirtyeight:

War propaganda is forbidden in the Republic of Afghanistan.

CHAPTER THIRTEEN

MISCELLANEOUS

PROVISIONS

Article one hundred and thirtynine:

The Constitution of the Republic of Afghanistan has the highest legal credibility. Laws and other legislative documents shall be framed in conformity with it.

Article one hundred and forty:

The state and all its organs shall function on the basis of this Constitution and the laws of the Republic of Afghanistan and ensure legal order, interests of the society, rights and legal interests of the citizens. State, cooperative, mixed and private institutions, political parties, social organisation, and officials in charge and citizens are obliged to observe the Constitution and the laws of the Republic of Afghanistan.

Article one hundred and fortyone:

Amendments to the Constitution shall be made by the Loya Jirgah. Decision on introducing amendments to the Constitution shall be on the proposal of the President or proposal of one third and approval of two third of the members of the National Assembly.

In this case, the President convenes the Loya Jirgah. If the Loya Jirgah finds the proposal qualified, it shall introduce the amendments in the Constitution, otherwise, it shall reject the proposal.

Amendment of the Constitution in a state of emergency is not allowed.

Article One Hundred and Fortytwo:

Salaries of the President, Vice Presidents, members of the National Assembly, Prime Minister, Deputy Prime Ministers, cabinet members, Chief Justice Vice-Presidents and members of the Supreme Court, Chairman and Secretary of the Constitution Council, Attorney General and Deputy Attorney Generals shall be fixed by law.

Article One Hundred and Forty Three:

Whenever the preservation of the independ-

ence, national sovereignty territorial integrity and internal security becomes impossible through channels provided for in the Constitution due to war danger of war, turmoil or the similar conditions state of emergency may be proclaimed by the President in consultation with the chairmen of the chambers of the National Assembly, Prime Minister, Chief Justice and Chairman of the Constitution Council.

If the state of emergency shall last more than three months, the consent of the Loya Jirgah is a condition for its extension.

Article one hundred and fortyfour:

The President shall have the following powers in a state of emergency.

1. Extension of the tenure of the National Assembly.

2. Delegation of powers of the National Assembly in part to the Council of Ministers.

3. Delegation of powers of courts in part to special courts and military courts.

4. Suspension or limitation of Articles 30, 44, 45, 46, 49, 50 and the last item of article 51, articles 53 and 60 of the Constitution.

5. Exercise of other powers in accordance with the law.

Article one hundred and fortyfive:

International treaties previously entered into by the Republic of Afghanistan and conventions joined by it, if found repugnant to the provisions of the laws of the Republic of Afghanistan, shall have ascendancy.

Article One Hundred and Forty Six:

Investigation into the allegations levelled aga-

inst the President, Vice-Presidents, members of the administrative bodies of two houses of National Assembly, Prime Minister, Deputy Prime Ministers, members of the Council of Ministers, Chief Justice, Vice-Presidents and members of the Supreme Court, Attorney General and his deputies and the chairman of the Constitution Council and procedures for their trial shall be regulated by a special law.

Article One Hundred and Forty Seven:

In the Republic of Afghanistan those who themselves or their wives or husbands are not from Afghan parents, cannot be appointed as Vice President, Prime Minister, Deputy Prime Minister, Minister, Chief Justice, Attorney General, high-ranking Officer (in accordance with the law) and diplomatic civil servant.



Article one hundred and forty eight:

On the enactment of this Constitution, the Fundamental Principles of the Republic of Afghanistan shall be abrogated.

The laws and other legislative documents adopted prior to the enactment of this Constitution shall remain valid, provided they are not repugnant to the provisions of this Constitution.

Article One Hundred and Forty Nine:

This constitution is enforced from the date of its endorsement by the Loya Jirgah and is proclaimed after the President's signature.

The amendment in this constitution is enforced from the date of its endorsement by the Loya Jirgah and is proclaimed after the president's signature.

State Printing House